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MAR 16 2011 

UNITED STATES DISTRICT COURT

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

WESTERN DISTRICT OF LOUISIANA

LOUISIANA CRAWFISH
PRODUCERS ASSOCIATION
WEST, ET AL

CIVIL ACTION NO. 10-348

VERSUS

JUDGE DOHERTY

ASSOCIATED ELECTRIC & GAS
INSURANCE SERVICES LTD.,
ET AL

MAGISTRATE JUDGE HANNA

JUDGMENT

This matter was referred to United States Magistrate Judge Patrick J. Hanna for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that **Defendants' Motion for Summary Judgment (Rec. Doc. 162)** filed by defendants Texaco Pipelines, LLC, Bridgeline Holdings, L.P., Union Oil Company of California, Hunt Oil Company, Anadarko Petroleum Corporation, Kerr-McGee Federal Limited Partnership I-1981, Amerada Hess Corporation (n/k/a Hess Corporation), Florida Gas Transmission Company, LLC, El Paso Field Services Management, Inc. (n/k/a El Paso Field Services, LLC), Southern Natural Gas Company, and Exxon Mobil Corporation, and all motions filed in the record adopting that motion, specifically those by the following defendants: The Dow

Chemical Company and Dow Intrastate Gas (Rec. Doc. 169); Hilcorp Energy Company (Rec. Doc. 171); Shell Pipeline Company LP and Concha Chemical Pipeline LLC (Rec. Doc. 173); Denbury Resources, Inc. (Rec. Doc. 174); Enterprise Products Company, Sorrento Pipeline Company, and Enterprise Lou-Tex Propylene Pipeline, L.P. (Rec. Doc. 175); The Louisiana Land and Exploration Company and ConocoPhillips Company (Rec. Doc. 179); St. Paul Fire and Marine Insurance Company, St. Paul Surplus Lines Insurance Company and American Equity Insurance Company (Rec. Doc. 183); TIG Specialty Insurance Company (Rec. Doc. 186); Willbros Construction (US) L.L.C. (Rec. Doc. 187); General Security Indemnity Company of Arizona, f/k/a Fulcrum Insurance Company (Rec. Doc. 189); Hartford Fire Insurance Company, Hartford Accident and Indemnity Company, New England Reinsurance Corporation, Twin City Fire Insurance Company, Hartford Casualty Insurance Company and Hartford Underwriters Insurance Company (Rec. Doc. 203); Arrowood Indemnity Company f/k/a Royal Insurance Company of America (Rec. Doc. 208); Liberty Mutual Insurance Company (Rec. Doc. 216); Energy Insurance Mutual Limited (Rec. Doc. 217); Certain Underwriters at Lloyd's, London, alleged insurers of El Paso Field Services Management, Inc. (Rec. Doc. 230); Certain Underwriters at Lloyd's, London, alleged insurers of Sonat (Rec. Doc. 231); and Certain Underwriters at Lloyd's, London, alleged insurers of Union Oil Company of California (Rec. Doc. 232), is **GRANTED** to the extent that plaintiffs cannot establish causation through an enterprise or market share theory of liability under maritime tort law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiffs are given leave to amend their petition, pursuant to Fed. Rule Civ. P. 56(e), to allege a specific harm, to a specific plaintiff(s), caused by the conduct of a specific defendant(s), with sufficient factual detail to establish a maritime tort for each, within the parameters of Fed. Rule Civ. P. 8 as interpreted by Bell Atlantic V. Twombly, 550 U.S. 544 (2007), and Ashcroft v. Iqbal, ----U.S.----, 129 S.Ct. 1937 (2009).

IT IS FURTHERMORE ORDERED, ADJUDGED AND DECREED that the motions are **DENIED** without prejudice to the defendants' right to re-urge the motion at such time as the plaintiffs have amended their petition.

With regard to the Motions for Summary Judgment (Rec. Doc. 191) filed by defendants Texaco Pipelines, LLC, Bridgeline Holdings, L.P., Union Oil Company of California, Hunt Oil Company, Anadarko Petroleum Corporation, Kerr-McGee Federal Limited Partnership I-1981, Amerada Hess Corporation (n/k/a Hess Corporation), Florida Gas Transmission Company, LLC, Enterprise Products Company, Sorrento Pipeline Company, Enterprise Lou-Tex Propylene Pipeline, L.P., El Paso Field Services Management, Inc. (n/k/a El Paso Field Services, LLC), Southern Natural Gas Company, Hilcorp Energy Company, and Exxon Mobil Corporation and all motions filed in the record adopting that motion, specifically those by the following defendants: Shell Pipeline Company LP and Concha Chemical Pipeline LLC (Rec. Doc. 193); Denbury Resources, Inc. (Rec. Doc. 196); The Louisiana Land and Exploration Company and ConocoPhillips Company (Rec. Doc.

200); TIG Specialty Insurance Company (Rec. Doc. 205); Willbros Construction (US), L.L.C. (Rec. Doc. 213); Liberty Mutual Insurance Company (Rec. Doc. 216); Energy Insurance Mutual Limited (Rec. Doc. 218); Hartford Fire Insurance Company, Hartford Accident and Indemnity Company, New England Reinsurance Corporation, Twin City Fire Insurance Company, Hartford Casualty Insurance Company and Hartford Underwriters Insurance Company (Rec. Doc. 223); Arrowood Indemnity Company f/k/a Royal Insurance Company of America (Rec. Doc. 225); and The Dow Chemical Company and Dow Intrastate Gas Company's Motion for Summary Judgment (Rec. Doc. 212), adopted by Shell Pipeline Company LP and Concha Chemical Pipeline LLC (Rec. Doc. 233), they are taken under advisement.

Lafayette, Louisiana, this 16 day of March, 2011.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE